

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	09/863,877	AMANO ET AL.	
	Examiner	Art Unit	
	JEAN JANVIER	3688	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/19/10.
2. ☒ The allowed claim(s) is/are 1,4-6 and 8-10.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
|--|---|

/Jean Janvier/  
 Primary Examiner, Art Unit 3688

7/13/10

### **After the Board's Decision**

The following Examiner's Decision is in response to the Board's Decision, recorded on 03/22/10, which reversed the Examiner's Action on all counts.

### **DETAILED ACTION**

#### **Claim Status**

Claims 1, 4, 5, 6, 8, 9 and 10 are currently pending in the Application.

#### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

**In claim 10, line 9, please delete "said" before "storage" and replace it with -**  
**-a- .**

#### **Reason for Allowance**

On March 22, 2010, the Board's Decision reversed the Examiner's Action on all counts or more particularly the Board agreed with the Appellant's position that the prior art or the Goldhaber's Patent does not teach **"a method of decreasing the display point degree (number of points), related to an ad, for a subsequent display of the ad and the display point degree does not decrease to zero for subsequent display of the ad."**

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Thus, claims 1, 4, 5, 6, 8, 9 and 10 are said to be patentable over the prior art based on the Board's Decision.

For example,

**USP 6,450, 407 to Freeman** discloses a method and system for providing advertisement information, including advertising as well as sales promotions, on chip cards that additionally involves an electronic money rebate to the consumer and for the distribution, accounting, and recovery of the associated electronic money rebates. Rebates are conveyed to the consumer by communication from the advertisement information provider to a customer's chip card via a multiplicity of possible channels including: a personal computer, a portable chip card reader, a point-of-sale (POS) terminal, a handheld device, a home or business telephone, a vending machine, a cellular phone, a pager, a mass transportation payment station, a television and/or television set-top box, or an automated teller machine (ATM). Rather than giving a discount at the point of sale, a rebate in the form of electronic money is stored in chip card memory. The method and system also include tracking and storing integrated relational information regarding advertisement information, products, and customer's buying habits with respect to those products for which rebates have been given. Determination of which particular advertisement information and rebates to store onto the card may be based on customer information available to the providers of the advertisement information. The chip card may or may not incorporate an electronic display for showing the advertisement information directly on the card (See abstract).

**US 2001/0037314 to Ishikawa** discloses a system, method and apparatus for a data distribution and request authentication system. In embodiments of the present

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invention, the data authentication system couples a confirmation code with the distribution of data, such as an advertising link, and compares the confirmation code to known data upon a response to the distributed data, for example, linking to a merchant's web site via the advertising link (See abstract).

**Ling, Connie**, in “Internet sites find it pays to reward visitors; Asian firms give away cash, plane tickets to lure, keep web viewers.(Brief Article)” published by The Asian Wall Street Journal Weekly (v 22 , n 3 , p 1(2)) on Jan 17 , 2000, describes that “A Hong Kong-based company will soon launch an online service where web surfers are paid to view online advertisements. AdsHouse Ltd. is one of a growing number of businesses to use money or reward points as a way of increasing traffic on their sites (Abstract).”

### **Conclusion**

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Ms. Lynda Jasmin, can be reached at (571) 272-6782.

Non-Official- 571-273-6719.

Official Draft : 571-273-8300

07/13/10

/Jean Janvier/

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